



UNITED STATES  
ATTORNEY'S OFFICE  
DISTRICT OF COLUMBIA  
**Community  
Prosecution**

# The Court Report

Covering the Month of  
**December 2004**

## 2<sup>nd</sup> Police District

*Building Safer Neighborhoods Through Community Partnership*

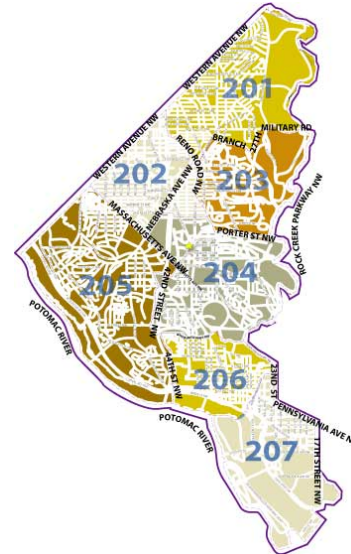
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### SUMMARY OF RECENT COURT CASES

- **Franklin Gomez**, also known as **Jerbin Franklin Gomes**, **Jarlin Franklin Gomez Laso**, and **Herbert Franklin Gomez Lazo**, 30, a citizen of El Salvador, was sentenced on December 13, 2004, to a term of incarceration of 60 months by U.S. District Judge Paul L. Friedman for illegally re-entering the country after having been previously deported.
- **Anthony M. Stewart**, 34, of Suitland, Maryland, pled guilty on December 15, 2004, in U.S. District Court to aiding and abetting an honest services wire fraud offense. When sentenced before United States District Judge Paul L. Friedman in March 2005, the defendant will face a maximum of 20 years in prison.
- **Charles E. Hall, Sr.**, 36, most recently of 3000 block of Branch Avenue, Camp Springs, Maryland, and **Robbie L. Colwell**, 32, of 300 block of Kentucky Avenue, SE, Washington, D.C. have been indicted on conspiracy to commit bank fraud and wire fraud. The indictment also charges Hall with conspiracy to launder monetary instruments and contains a forfeiture count. Both defendants were arraigned December 16, 2004, before U.S. Magistrate Judge Facciola. The case has been assigned to U.S. District Judge Gladys Kessler.

*A detailed descriptions of these and other cases from the 2<sup>nd</sup> District are provided inside of this report.*

### THE 2<sup>ND</sup> POLICE DISTRICT



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### 2<sup>ND</sup> DISTRICT COMMUNITY PROSECUTION UPDATE



Happy New Year to all 2D residents! While the overall crime rate in our police district continues to decline and our police force continues to make timely arrests, we are still plagued by too many burglaries. Recent arrest cases have shown that some of our burglars are actually equipped with keys. Please consider carefully those to whom you give keys and ensure that those so entrusted properly safeguard your keys. If you know that someone or some entity maintains a key or master key to your home, you should inquire as to the level of its security and accountability. If you are not satisfied with the level of its security or accountability, reconsider exposing it. Two entities that you should scrutinize carefully are multiple-unit dwellings where desk security either maintains a copy or a master key to your unit and garages where your keys are maintained with your car. To the extent possible, only expose a valet key for the exact property entrusted.

*Published Monthly by the U.S. Attorney's Office Community Prosecution Team*

## **DISTRICT COURT REPORT**

**Franklin Gomez, also known as Jerbin Franklin Gomes, Jarlin Franklin Gomez Laso, and Herbert Franklin Gomez Lazo, 30, a citizen of El Salvador, was sentenced on December 13, 2004, to a term of incarceration of 60 months by U.S. District Judge Paul L. Friedman for illegally re-entering the country after having been previously deported. On October 1, 2004, Gomez plead guilty to Reentry of an Alien Deported Following a Conviction for an Aggravated Felony.**

The investigation was initiated on July 26, 2003, when the Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE"), learned that the defendant had been arrested in the District of Columbia. ICE Special Agent Tomas Navalo's investigation revealed that the defendant is a citizen of El Salvador and had been deported on at least four previous occasions from the United States, first in 1991, and most recently in 1996, following his conviction for Attempted Possession with the Intent to Distribute Cocaine in two separate cases. Prior to his deportation, the defendant signed a Warrant of Deportation under the name Jerbin Franklin Gomez.

While in the United States, the defendant has been convicted of at least eleven criminal charges – including two prior convictions for Attempted Possession with Intent to Distribute a Controlled Substance, aggravated felonies and drug trafficking offenses. The defendant was on probation in Virginia at the time of the instant offense and he has numerous warrants outstanding for his arrest on additional criminal complaints in a number of jurisdictions. Gomez has numerous aliases, the most recent being Hebert Franklin Gomez-Lazo.

In announcing the sentence, United States Attorney Kenneth Wainstein praised the investigative efforts of Thomas Navalo, an agent with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, and Assistant U.S. Attorney Heidi M. Pasichow who prosecuted the case.

**Anthony M. Stewart, 34, of Suitland, Maryland, pled guilty on December 15, 2004, in U.S. District Court to aiding and abetting an honest services wire fraud offense. The charge relates to Stewart providing fraudulent documents to his parole officer and others which falsely represented his employment with the Department of Agriculture. At the time of the relevant conduct by Stewart, Stewart's sister, Theresa Stewart Freeman, was employed with the United States Department of Agriculture, Farm Services Agency, Human Resources Division, located at 2101 L Street, NW, Washington, D.C. When sentenced before United States District Judge Paul L. Friedman in March 2005, the defendant will face a maximum of 20 years in prison. Under the federal sentencing guidelines, his likely sentence will be fifteen to twenty-one months in prison.**

According to the government's evidence presented at the plea hearing and agreed to by the defendant, a part of the defendant's sister's employment duties was to verify the employment of personnel at the Department of Agriculture in response to inquiries from outside the Department. At all relevant times, Stewart was not employed. He was, however, on parole for a

conviction in Superior Court in Washington, D.C., and a condition of his parole was that he maintain employment. If he failed to do so, his parole potentially could be revoked and he could be incarcerated for not complying with his terms of parole.

Beginning in October of 2000, Stewart began providing to his parole officer fraudulent information that: (1) he was seeking employment with the Department of Agriculture; (2) he then obtained employment with that Department; and (3) his supervisor was Ms. Freeman. In support of his claim, Stewart provided his parole officer with what appeared to be Department of Agriculture pay stubs.

In May of 2003, Stewart stopped reporting to his parole officer. The parole officer then contacted Ms. Freeman, as Stewart's purported supervisor, in an attempt to locate him. At that time, Ms. Freeman fraudulently represented to the parole officer that Stewart was on leave without pay from the Department. Stewart also used these pay stubs to obtain an apartment in Suitland, Maryland, and financing for an SUV at a car dealership in Temple Hills, Maryland. When Stewart was seeking to rent the apartment, the apartment manager contacted Ms. Freeman as Stewart's purported supervisor, to verify his employment with the Department of Agriculture. Ms. Freeman responded by sending a document by facsimile from her office in Washington, D.C., to the apartment complex in Suitland, Maryland, falsely representing that Stewart was employed with the Department of Agriculture as a Printing Specialist who was hired on February 1, 1998.

This fraud scheme came to light on June 26, 2003, when Metropolitan Police Department detectives arrested Stewart in an unrelated matter. After Stewart was arrested, the police determined that he had submitted pay stubs to his parole officer showing that he was working at the Department of Agriculture. When the police contacted the Department of Agriculture about these pay stubs, they found that the pay stubs were fraudulent. Stewart's sister, Ms. Freeman previously pled guilty to wire fraud in this matter and was sentenced by Judge Friedman earlier this month to three years of probation, which includes a requirement that she perform 100 hours of community service. Ms. Freeman resigned from her employment with the Department of Agriculture in January of this year.

In announcing the guilty plea, United States Attorney Kenneth Wainstein commended the diligent, hard work on this matter by the Office of the Inspector General for the Department of Agriculture, especially Special Agent Bethanne M. Marik. In addition, they commended the efforts of legal assistant Teesha Tobias and Assistant United States Attorney Daniel P. Butler, who is prosecuting this matter.

**Charles E. Hall, Sr., 36, most recently of 3000 block of Branch Avenue, Camp Springs, Maryland, and Robbie L. Colwell, 32, of 300 block of Kentucky Avenue, SE, Washington, D.C. have been indicted on conspiracy to commit bank fraud, bank fraud, and wire fraud. The indictment also charges Hall with conspiracy to launder monetary instruments and contains a forfeiture count. Both defendants were arraigned December 16, 2004, before U.S. Magistrate Judge Facciola. The case has been assigned to U.S. District Judge Gladys Kessler.**

According to the indictment, Hall and other co-conspirators identified approximately 32 District of Columbia homes that would be targeted for “flip sales” or quick resales at fraudulently inflated prices. Hall recruited people to act as the “straw buyers,” people who would have the property in their names, but not be paying the downpayments or the mortgages. Hall, who at the time was a loan officer for a mortgage company, submitted loan applications for these straw buyers seeking approximately \$14 million in loans to purchase the properties; these loan applications falsely listed the straw buyers’ assets (such as real estate owned and earnest money deposit) and falsely stated other information (such as marital status and intention to live in the properties).

The indictment alleges that Colwell assumed the identity of licensed appraisers to write false appraisals and inaccurately reported the conditions of the properties, stating that the properties were renovated when, in fact, they were not. Through the use of these fraudulently inflated appraisals, which dramatically overstated the value of the properties, the lenders paid a much higher mortgage based on a much higher price. Hall obtained approval for these mortgage loans by paying money bribes to underwriters to approve loan applications which did not meet the requirements of the lenders’ loan programs and to approve loans quickly.

By using the false loan applications, the fraudulently inflated appraisals, and the fraudulently obtained underwriting, Hall and Colwell caused the lenders to issue loans to the straw buyers in amounts that were more than the properties were actually worth, thus creating a large amount of illegal proceeds when the properties were “flipped” to the buyers. Alan R. Davis and others purchased the properties, and, at times on the same day, quickly resold the “flipped” properties to the straw buyers at the price of the inflated appraisals. The proceeds for each “flip” sale, which represented the difference between the amount the co-conspirator Davis and others paid for the property and the amount that the straw buyer “agreed” to pay for the property (which was supported by the fraudulently inflated appraisal), ranged anywhere from approximately \$150,000 to \$400,000 per property.

According to the indictment, Vicki Robinson, acting as a settlement agent, was also involved in the conspiracy. At settlement, Robinson disbursed the loan money to Hall and co-conspirator Alan R. Davis without first receiving the “cash from borrower.” Hall and Davis used a portion of the loan money to pay the “cash from borrower” by purchasing cashiers’ checks so it would appear as though the straw buyers paid their own money as part of the purchase price.

Hall received about \$5.3 million of the loan proceeds. This \$5.3 million was largely identified as money for “rehab construction,” when in truth, little if any renovations were performed on the properties; instead, according to the indictment, Hall used the money to live a lavish lifestyle, to pay off the co-conspirators, and to fund the continuation of the scheme. The mortgages on all but one of those properties have been defaulted and foreclosed or sold before foreclosure for a loss. The lenders have resold the properties for less than the mortgage loans, and, as a result, have lost in excess of \$4.6 million. If convicted of all counts at trial, Hall could be facing about 8 to 9 years under the Federal Sentencing Guidelines; Colwell could be sentenced to approximately 51 - 63 months.

United States Attorney Wainstein and Assistant Director in Charge Mason also announced the guilty pleas of four other people involved in this mortgage fraud conspiracy. On November 5, 2004, Alan R. Davis, 42, of the 5000 block of Drake Place, SE, Washington, D.C., pleaded guilty to conspiracy. On December 1, 2004, Vicki A. Robinson, 48, of East End Drive in Curtis Bay, Maryland, pleaded guilty to conspiracy. On December 3, 2004, Marcus T. Wiseman, 34, of Whitebark Court, Upper Marlboro, Maryland pleaded guilty to a misdemeanor charge of improperly receiving payments as a bank employee. On December 10, 2004, Susan M. Conner (formerly Susan Shelton), 42, of Scarlet Oaks Drive, LaPlata, Maryland, pleaded guilty to receiving bribes as a bank employee.

In announcing the indictment and guilty pleas, United States Attorney Kenneth Wainstein and Michael A. Mason, Assistant Director in Charge of the Washington Field Office, Federal Bureau of Investigation commended Special Agent Joseph P. Gordon of the Federal Bureau of Investigation. In addition, he commended Assistant U.S. Attorney Virginia Cheatham and legal assistant April Peeler.

**United States District Judge Royce C. Lamberth sentenced Tommy Edelin, 36, of Southeast, Washington, D.C., the leader of the 1-5 Crew; as well as 1-5 Crew members Earl Edelin, 53, of Forestville, MD; and Henry Johnson, 32, of Southeast, Washington, D.C., to life imprisonment without the possibility of parole. Judge Lamberth also sentenced 1-5 Crew members Marwin Mosley, 27, of Southeast, Washington, D.C., to 175 years to life in prison and Shelton Marbury, 31, of Southeast, Washington, D.C., to 145 years to life in prison. Today's sentencing hearings bring to a conclusion an extensive investigation and prosecution in which Tommy Edelin and/or five members of his organization were convicted by a jury in October 2001 of various offenses, including participation in a Continuing Criminal Enterprise (CCE), Narcotics Conspiracy, Racketeer Influenced Corrupt Organization (RICO) Conspiracy, First Degree Premeditated Murder, Assault with Intent to Murder While Armed and numerous related firearms and narcotics violations.**

The indictment of a large number of the leaders and members of the 1-5 Mob was the direct result of a long term intensive investigation conducted by the members of the FBI/MPD Safe Streets Task Force. During the course of the subsequent eight-month trial, it was established that between 1985 and 1998, the members of the 1-5 Mob were responsible for the distribution of more than a thousand kilograms of cocaine, cocaine base and heroin and the murder or attempted murder of more than 30 people in Southeast, Washington, D.C., Prince George's County, Maryland and Alamance County, North Carolina. Some of the violent crimes for which Tommy Edelin and/or members of his organization were convicted included:

- the July 12, 1993 assault with intent to murder Troy Lewis, a rival gang member;
- the August 27, 1993 contract murder of Emmanuel Bennett for suspected theft of drugs from the organization;

- the November 23, 1993 contract murder of Maurice Doleman, a member of the Congress Park Crew, in retaliation for the robbery of one of Edelin's co-conspirators;
- the December 17, 1993 killing of 14-year-old Velonte Smith and her 19-year-old college student brother Rodney Smith who was home for Christmas.
- the March 29, 1994 double-shooting of two of the organization's members who were believed to be cooperating with law enforcement;
- the April 23, 1994 murders of Arion Wilson and Charles Morgan in Alamance County, North Carolina who were suspected rival gang members;
- the May 8, 1996 murder of Anthony Payton, a/k/a Spook, and assault upon Darnell Murphy, two members of the rival Stanton Terrace Crew;
- the July 27, 1996 drive-by shooting at members of the rival Stanton Terrace Crew in broad daylight during a crowded neighborhood picnic, in which three innocent bystanders were shot;
- the September 5, 1996, murder of Robert Keys, a/k/a Junie, a member of the rival Stanton Terrace Crew; and
- the September 15, 1996 murder of Sherman Johnson, a suspected associate of the rival Stanton Terrace Crew.

In announcing the sentences, United States Attorney Kenneth Wainstein praised the efforts of the members of the FBI/MPD Safe Streets Task Force for their investigation and specifically commended FBI Special Agents Dan Sparks, Kyle Fulmer, Robert Lockhart, and Jay Burton; Metropolitan Police Detectives Konstantinos Giannakoulis, Thomas Webb, and Arthur Reed; and MPD Officers Joseph Cabillo, John Davis, Calvin Hopkins, and Joseph Anderson, for their tireless efforts during the investigation and trial. In addition, the efforts of paralegals Barbara Necastro and Cheryl Gerald-Lonon were also recognized. Finally, he cited the efforts of former Assistant United States Attorneys Paul A. Quander, Jr. and William M. Sullivan Jr. and Assistant United States Attorneys Michael Volkov and Stephen J. Pflieger, who successfully investigated and prosecuted these cases.

**Jose Tavares, 38, of Chevy Chase, Maryland, formerly of Washington, D.C., was sentenced December 17, 2004, by the Honorable John Facciola, United States Magistrate Judge, to 5 years of probation, 6 months of home detention with electronic monitoring, 100 hours of community service, and restitution in the amount of \$31,454.14. Tavares must pay the costs of the electronic monitoring. The sentence arose in connection with Tavares's**

**previous guilty plea to Willful Failure to File a Return, in violation of Title 26, United States Code, Section 7203.**

According to information presented to the Court by Assistant U.S. Attorney Sherri L. Schornstein, Tavares, was a resident of the District of Columbia, and a self-employed masseur and an owner of two American Bodyworks Centers (ABC), located at 2026 P Street, NW, Washington, D.C. and 1610 Wisconsin Avenue, NW, Washington, D.C. ABC was a massage business, which advertised in The Washington Blade and The City Paper. Several masseurs and masseuses worked at each location.

Tavares had not filed federal income tax returns for tax years 1998 and 1999. Under the Internal Revenue laws, absent an extension to file, a federal income tax return is due to be filed no later than April 15th of the year following the calendar tax year for which the return is filed. Tavares had gross income in each of the tax years, 1998 and 1999, far in excess of the minimum which triggers the requirement to file Federal income tax returns. At all times relevant, Tavares controlled a bank account at SunTrust Bank, which was a checking and a merchant account. ABC's customers' credit card transactions were credited to Tavares's SunTrust account. In addition, there were cash and checks deposited into the account. A review of bank records indicated that Tavares' average monthly deposits were \$21,251.04 to the ABC bank account for years 1998 and 1999. The masseurs who worked for ABC were independent contractors who split gross receipts 50/50 with ABC. For these same years, Tavares' total income for the two-year period was determined to be \$157,273.72. This figure includes approximately fifty percent of gross revenue at ABC and fifty percent of certain rents which were determined to be gross income of Tavares. The Internal Revenue Service has no record of Tavares filing tax returns for the tax years in question.

In announcing the sentence, U.S. Attorney Kenneth Wainstein and Rick A. Raven, Special Agent in Charge, Internal Revenue Service, Criminal Investigation commended the work of IRS Special Agent Delano Watkins and staff of the U.S. Attorney's Office, including Legal Assistant Lisa Robinson and Assistant U.S. Attorney Sherri L. Schornstein, who prosecuted the case.

**Francis G. Dunphy, 70, of the unit block of E Street, SE, Washington, D.C., pled guilty on December 2, 2004, before U.S. Magistrate Judge John Facciola to making a false report to use a weapon of mass destruction. Dunphy, pursuant to a plea agreement, agreed to pay a \$10,000 fine and restitution in the amount of \$13,328.00 to Amtrak. The charge carries a maximum term of imprisonment of one year. The case is scheduled for sentencing on March 18, 2005.**

The evidence presented during the plea proceeding was that on the morning of August 19, 2004, Dunphy was driving his son from his home, located on Capitol Hill, to Union Station, located at 50 Massachusetts Avenue, NE. While making the drive, Dunphy passed through numerous checkpoints on Capitol Hill. As he drove through those checkpoints, Dunphy talked about the security of the Amtrak trains. As he continued the talk, he became more agitated.

At approximately 10:30 a.m. after passing the northbound 2nd Street checkpoint between A Street and Maryland Avenue, NE, Dunphy stopped his car approximately 70 yards before the intersection and flagged down a U.S. Supreme Court Police Department Officer. After the officer walked to Dunphy's car, he heard Dunphy state, "this guy [motioning to the passenger, his son] is going to blow up the train to Fredericksburg." His son, the passenger, heard the statement as well. The officer looked into the car and saw the passenger who was wearing large aviator-style sunglasses and a bright red t-shirt with the picture of a rapper on it. The officer told the defendant to pull his car to the side of the road. Instead, Dunphy drove away even though he heard the officer's order to remain on the scene.

The U.S. Supreme Court Officer reported the threat made by Dunphy. District of Columbia emergency personnel and officials were dispatched to the Amtrak Regional train, "The Carolinian" number 79 to Fredericksburg. Officers located the defendant's son on that train and escorted him off. A sweep of the train and surrounding areas was conducted for explosives. Approximately one hour later, the train was re-boarded and departed for its destination.

Dunphy was ultimately stopped and identified on his way back from Union Station toward the direction of his home, driving the same streets that he drove to bring his son to Union Station minutes earlier. He was arrested for making threats to use explosives.

In announcing the guilty plea, U.S. Attorney Kenneth Wainstein commended the investigation conducted by Metropolitan Police Department Detective Seth Holmes, FBI's Washington Field Office's Joint Terrorism Task Force Officer Michael Dannholtz, FBI Special Agent Pat Race, U.S. Supreme Court Officers David Giaccio and Timothy Hancox, and Amtrak Police Officer Sean McStravick. He also praised Assistant United States Attorney Heidi Pasichow, who prosecuted the case.

**Theresa S. Freeman, 35, of Capitol Heights, Maryland, was sentenced on December 2, 2004, in U.S. District Court by the Honorable Paul L. Friedman to three years of probation, which includes a requirement that she perform 100 hours of community service, for an honest services wire fraud offense. On September 14, 2004, Freeman pled guilty to the charge, which relates to Freeman's activities while employed with the United States Department of Agriculture, Farm Services Agency, Human Resources Division, located at 2101 L Street, N.W., Washington, D.C.**

According to the government's evidence presented at the plea hearing and agreed to by the defendant, a part of the defendant's employment duties was to verify the employment of personnel at the Department of Agriculture in response to inquiries from outside the Department. At all relevant times, the defendant's brother was not employed. He was, however, on parole for a conviction in Superior Court in Washington, D.C., and a condition of his parole was that he maintain employment. If he failed to do so, he potentially could be incarcerated for not complying with his terms of parole.

Beginning in October of 2000, the defendant's brother began providing to his parole officer fraudulent information that: (1) he was seeking employment with the Department of



Agriculture; (2) he then obtained employment with that Department; and (3) his supervisor was the defendant. In support of his claim, the defendant's brother provided his parole officer with what appeared to be Department of Agriculture pay stubs. In May of 2003, the defendant's brother stopped reporting to his parole officer. The parole officer then contacted the defendant, as the defendant's brother's purported supervisor, in an attempt to locate him. At that time, the defendant fraudulently represented to the parole officer that the defendant's brother was on leave without pay from the Department.

The defendant's brother also used these pay stubs to obtain an apartment in Suitland, Maryland, and financing for an SUV at a car dealership in Temple Hills, Maryland. When the defendant was seeking to rent the apartment, the apartment manager contacted the defendant, as the defendant's brother's purported supervisor, to verify his employment with the Department of Agriculture. The defendant responded by sending a document by facsimile from her office in Washington, D.C., to the apartment complex in Suitland, Maryland, falsely representing that her brother was employed with the Department of Agriculture as a Printing Specialist who was hired on February 1, 1998.

This fraud scheme came to light when, on June 26, 2003, Metropolitan Police Department Detectives arrested the defendant's brother in an unrelated matter. After the defendant's brother was arrested, the police determined that he had submitted pay stubs to his parole officer showing that he was working at the Department of Agriculture. When the police contacted the Department of Agriculture about these pay stubs, they found that the pay stubs were fraudulent. The defendant's brother was later acquitted of the unrelated matter in December 2003.

In announcing this sentence, United States Attorney Kenneth Wainstein commended the diligent, hard work on this matter by the Office of the Inspector General for the Department of Agriculture, especially Special Agent Bethanne M. Marik. In addition, he commended the efforts of legal assistant Teesha Tobias and Assistant United States Attorney Daniel P. Butler, who prosecuted this matter.

**Mitchell Reisberg, 48, of Cabin John, Maryland, and Glen Hughlette, 52, formerly of Alexandria, Virginia, have been charged by a federal grand jury with multiple counts of wire fraud, interstate transportation of stolen property, bank fraud, mail fraud, and first degree fraud, in connection with their scheme to bilk Votenet Solutions, Incorporated, out of more than a half million dollars and defraud its shareholders. Reisberg was arrested by Postal Inspectors on December 20, 2004, at his home in Cabin John and was arraigned the same afternoon in U.S. District Court. Hughlette left the metropolitan area in 2003 and is a fugitive; a warrant has been issued for his arrest. If convicted, both men face up to 50 years in prison and a \$500,000 fine.**

Votenet Solutions, Incorporated ("Votenet") was a privately held corporation incorporated in the state of Delaware. Votenet's principal place of business was 1629 K Street, NW, in Washington, D.C. Votenet published a congressional directory and developed services for public policy, political, and non-profit organizations including software products such as

eConstituent, eBallot, and Votenet Voter Registration. Part of Votenet's business included receiving donations from individuals on behalf of charitable organizations and passing those donations to their intended charity.

In or about February 2001, Votenet named Reisberg as its Chief Financial Officer (CFO). As part of his duties as CFO, Reisberg was responsible for, among other things, overseeing the financial affairs of Votenet, preparing financial statements, paying payroll taxes, and insuring a proper accounting of employee 401K contributions. Reisberg had access to all of Votenet's bank accounts. Hughlette was President, Chief Executive Officer (CEO), and Chairman of the Board of Directors of Votenet. As part of his duties as President and CEO, Hughlette was responsible for, among other things, overseeing the day-to-day operations of Votenet and submitting accurate financial information to Votenet's shareholders and outside accountant.

The grand jury indictment alleges numerous acts of theft and dishonesty by both defendants, including:

- Throughout the scheme, Reisberg, without authority from Votenet, wire transferred monies from Votenet's various bank accounts to pay for Reisberg's personal expenses for himself and family members.
- In or about October 2001, Reisberg, without authority, obtained an ATM/debit card which provided Reisberg with access to Votenet's SunTrust operating account. Throughout the scheme, Reisberg, without authority from Votenet, used this SunTrust ATM/debit card to pay for personal expenses for Reisberg and his family, such as jewelry, artwork, clothing, groceries, automobile services, plane tickets, and ski equipment.
- Throughout the course of the scheme, Reisberg would, in his capacity as Votenet CFO, write checks on Votenet's various bank accounts in order to pay for unauthorized personal expenses unrelated to Votenet's legitimate business.
- In or about June 2002, Reisberg and Hughlette obtained a \$100,000 line of credit from SunTrust Bank in Votenet's name by falsely representing to bank officials that they were authorized by the Votenet Board of Directors to do so, when, as they well knew, the Votenet Board of Directors had given no such authority. Reisberg and Hughlette used this line of credit to replace the money that Reisberg stole from Votenet's operating accounts and thereby conceal Reisberg's embezzlement of Votenet funds.
- Reisberg and Hughlette would provide SunTrust Bank with periodic financial statements that falsely represented Votenet's financial position.
- Throughout the scheme, Reisberg and Hughlette would provide false financial statements to the Votenet shareholders and outside accountant, thereby permitting Reisberg and Hughlette to carry out and conceal Reisberg's embezzlement of Votenet funds.

- Throughout the scheme, Reisberg would, without authority, wire transfer monies designated for charitable organizations to Votenet operating accounts which enabled Reisberg to carry out and conceal his embezzlement of Votenet funds and resulted in Votenet's failure to turn over thousands of dollars to the intended charitable recipients. Charities such as the National Cancer Research Foundation and America's Second Harvest – a hunger relief organization – were affected by the defendants' conduct.
- Throughout the scheme, Reisberg diverted employee 401K contributions from employee 401K accounts to the Votenet operating accounts which enabled Reisberg to carry out and conceal his embezzlement of Votenet funds.
- Throughout the scheme, Reisberg diverted revenues designated to pay employee payroll taxes to the Votenet operating accounts which enabled Reisberg to carry out and conceal his embezzlement of Votenet funds.

In announcing the indictment and arrest, United States Attorney Kenneth Wainstein and Thomas P. Brady, Inspector in Charge of the U.S. Postal Inspection Service commended the work of United States Postal Inspector Marydith Newman. In addition, they commended the efforts of Assistant United States Attorney Steven J. Durham, who will prosecute the case at trial.

**Michael A. Thomas, 36, formerly of Upper Marlboro, Maryland, and a 14-year veteran of the Metropolitan Police Department (MPD), pled guilty on December 20, 2004, before United States District Magistrate John M. Facciola to Receipt of a Gratuity in connection with his receipt of sex from a female District resident on March 12, 2004. Thomas, who after having had a sexual encounter with the alleged victim of a domestic assault, agreed to process the boyfriend's paperwork in a manner to ensure that the victim's boyfriend would be released from arraignment court at D.C. Superior Court so he could be home before the weekend commenced, faces up to two years in prison when he is sentenced before the Honorable Gladys Kessler in 2005. Under the federal sentencing guidelines, Thomas will face a sentence of 0-6 months with the possibility of probation.**

According to the government's evidence, Thomas was a 14-year member of MPD assigned to the 7<sup>th</sup> Police District which services parts of the Southeast quadrant of the District of Columbia. On March 12, 2004, while Thomas was on duty, he responded to a radio dispatch to report to the 3400 block of 25<sup>th</sup> Street to assist an off-duty officer who had witnessed a domestic assault. Once on the scene, Thomas assisted in the arrest of an individual who allegedly struck his girlfriend in the presence of an off-duty officer. As one of the arresting officers, Thomas was responsible for such administrative responsibilities as arranging for transportation for the prisoner, processing necessary MPD paperwork and meeting with members of the United States Attorney's Office to assist in making prosecution and charging decisions.

During the arrest, the victim of the domestic abuse voiced her objection to her boyfriend's arrest and asked that he not be arrested. Once the boyfriend was arrested, the victim questioned the officer at the scene on how to get the charges dismissed, and repeated that she did not want to "press" charges against her boyfriend. While at the 7<sup>th</sup> District Station, Thomas called the complainant to discuss the charges. During the discussion, Thomas agreed to meet the complainant at her residence to discuss her boyfriend's case and discussed the possibility that the two would engage in sexual activity. Once at the complainant's residence, Thomas engaged in sexual activity with the complainant. As a result of the sexual activity, Thomas agreed that he would go to D.C. Superior Court and meet with the prosecutors and have the case against her boyfriend processed in a manner that would ensure that he would be released as soon as possible so that he could be home with the complainant for the weekend. However, due, in part, to the amount of time Thomas spent with the complainant, the boyfriend was not presented to the court in time to be released. Therefore, he had to spend the evening in jail. The complainant, in turn, made repeated calls to officials at MPD to complain about Thomas and to complain that her boyfriend had not been released from jail as was agreed and promised by Thomas.

Soon thereafter, officials in the 7<sup>th</sup> District Command and MPD's Office of Internal Affairs quickly responded to the victim's complaint and investigated the matter. During the preliminary stages of the investigation, Thomas admitted to having gone to the complainant's residence and having sexual relations with her. He further admitted that he tried to have the case against the complainant's boyfriend processed to ensure his prompt release. Thomas was arrested soon thereafter. In November of 2004, Thomas resigned from MPD.

In announcing the guilty plea, U.S. Attorney Kenneth Wainstein commended the investigative work of members of the MPD including Sergeant Andre Suber and Sergeant James LeFranchise of the 7<sup>th</sup> District, Detectives Anthony Commodore and Steven Dekelbaum, Agents Wayne Marable and Felicia Carlson of MPD Office of Internal Affairs, Investigator Duncan Templeton of the United States Attorney's Office, and Special Agent Robert Schwinger of the FBI. In addition, he commended the efforts of Legal Assistant Lisa Robinson and student intern Milena Schtelmacker of the U.S. Attorney's Office. He also commended Assistant United States Attorney Anthony Alexis, who is prosecuting the case.

**Carletus Willis, 30, of N.W. Washington, D.C., pled guilty on December 20, 2004, in U.S. District Court to conspiracy to commit mail fraud and mail fraud in connection with his role in a Ponzi scheme which defrauded dozens of innocent investors of more than \$800,000 over the course of several years. When sentenced before United States District Judge Henry Kennedy, Jr., Willis faces up to 15 years in prison and a \$500,000 fine.**

According to the government's evidence, between 2001 and December 2002, Willis worked for a company known as First United Financial Group (FUGF). FUGF's offices were located at 240 Parker Street, NE, Washington, D.C. FUGF's stated business objective was to solicit money from investors in order to invest that money in real estate and other ventures on behalf of FUGF client/investors. Willis was the Chief Operating Officer of FUGF and was in charge of running the day-to-day operations of the business. Willis reported directly to the Chief Executive Officer and Managing Member of FUGF. As part of his job duties, Willis would

directly solicit investors and make representations concerning guaranteed rates of return. As part of his job duties, Willis had access to and signatory authority over certain FUGG bank accounts and would make withdrawals and transfers on behalf of FUGG.

Willis's scheme to defraud investors operated in the following manner:

- Willis and others would contact potential investors directly by telephone or by United States mail from FUGG's office in the District of Columbia.
- Willis and others would falsely state to potential FUGG clients that, through vehicles known as a "Capital Placement Loan Program" and an "Asset Placement Agreement," FUGG would provide a specific return on monies that FUGG clients provided to FUGG. These agreements would guarantee investors the return of principal on or before a specified time.
- Willis and others would falsely state to potential FUGG clients that FUGG would invest their money in a real estate venture known as "The Trinidad Project." In truth and in fact, FUGG never placed any money in this project or in any other legitimate investment vehicle.
- Relying on the false representations made by Willis and others, FUGG clients would enter into these agreements with FUGG and would provide thousands of dollars to FUGG under the belief that it would be invested in real estate or other legitimate business ventures and that their principal was guaranteed. Clients would often make these payments to FUGG by wire or by bank check that they would send to FUGG's Washington, D.C., address through the United States mail.
- Some FUGG clients would sometimes receive a portion of their money back in order to induce these clients to send FUGG additional monies or to lull them into thinking that their investments were safe and secure.
- Willis and others would falsely assure FUGG clients that their principal was going to be returned when, in truth and in fact, they knew otherwise.

As part of his plea agreement, Willis has agreed to cooperate fully with this ongoing investigation.

In announcing the guilty plea, United States Attorney Kenneth Wainstein and Thomas P. Brady, Inspector in Charge of the U.S. Postal Inspection Service commended the work of United States Postal Inspector Judy Ramos. In addition, they commended the efforts of Assistant United States Attorney Steven J. Durham and Special Assistant United States Attorney Jordan Thomas of the Securities and Exchange Commission, Enforcement Division, who are prosecuting the case.

**A high-ranking member of the designated Foreign Terrorist Organization Fuerzas Armadas Revolucionarias de Colombia, or FARC, has been extradited to the United States to face terrorism and drug charges.**

Juvenal Ovidio Ricardo Palmera Pineda, a/k/a Simon Trinidad, arrived from Colombia earlier today in the Washington metropolitan area. He had an initial appearance before Magistrate Judge John Facciola at U.S. District Court in the District of Columbia.

Trinidad was named in two separate indictments returned by grand juries in Washington, D.C., unsealed today, charging him with narcotics trafficking, in violation of 21 U.S.C. Sections 952, 959 and 963, and hostage taking and providing material support to terrorists, in violation of 18 U.S.C. Sections 1203a and 2339A.

Trinidad allegedly served in the “Estado Mayor Central,” the senior strategic planning group of the FARC, a drug trafficking organization which has also been designated as a Foreign Terrorist Organization by the State Department since 1997.

The terrorism indictment, returned May 13, 2004, charges Trinidad with conspiring with the FARC and others to take hostage Thomas Howes, Keith Stansell and Marc Gonsalves, three Americans who were kidnapped in February 2003 when their U.S. airplane crashed in the Colombian jungle. The three hostages remain in FARC custody today. The indictment charges that the FARC demanded the government of Colombia carve out of its sovereign territory a new demilitarized zone, which would be used as a new base of operations for the FARC – as well as the release of hundreds of FARC terrorists currently being held by the Colombian government – as a condition for the release of the three American hostages. The indictment charges that Trinidad was named in an April 27, 2003 FARC communique as one of three senior commanders to represent the FARC in presenting its demands for release of hostages held by the terrorist organization, including the three Americans. The indictment further alleges that as part of the hostage-taking conspiracy, the FARC and its conspirators murdered two other occupants of the airplane, American citizen Thomas Janis and Colombian national Sergeant Luis Alcides Cruz.

The indictment also charges Trinidad with providing material support and resources to terrorists, namely FARC, knowing and intending that his support would be used in preparation for or in carrying out the hostage-taking conspiracy.

The narcotics indictment, returned by a federal grand jury on March 2, 2004, charges that Trinidad and another high-level member of the FARC, Jorge Briceno Suarez, a/k/a Mono Jojoy, controlled and directed FARC drug trafficking activities by “issuing orders regarding the acquisition, transportation and sale of cocaine by various fronts of the FARC and the movement of drug money. The indictment alleges that Trinidad managed and controlled money for the FARC that was used by the organization to conduct cocaine trafficking activities. The indictment alleges that Trinidad announced to local coca growers the price the FARC would pay them for each kilogram of cocaine base, and advised them that the quality of their cocaine base was “inferior” and “needed to be improved.” The indictment further alleges that Trinidad met with and received money from or supplied money to other FARC drug traffickers, that he attended drug-trafficking meetings, and that he spoke of sending cocaine to the United States.

The narcotics indictment seeks the forfeiture of all FARC assets derived from the alleged violations, and the terrorism indictment seeks forfeiture of all FARC assets, foreign and domestic, as provided in the USA PATRIOT Act.

The FARC has been charged with terrorism and drug-related crimes in several previous indictments. The indictments allege that the FARC is a designated Foreign Terrorist Organization, operating in and from Colombia, that is trying to overthrow the Colombian government by force. The FARC seeks to oppose by force, violence and other criminal activity the nations, governments and individuals who do not share its views. Since at least the early 1960s, the FARC has been violently anti-American and has worked against the interests of the United States, saying in March 1998 that all U.S. officials are legitimate military targets. In addition to narcotics trafficking, the FARC targets through extortion, kidnapping and murder U.S. citizens who work in, visit or do business in Colombia and neighboring countries.

Attorney General John Ashcroft, Assistant Attorney General Christopher A. Wray of the Criminal Division, U.S. Attorney Kenneth L. Wainstein of the District of Columbia, FBI Director Robert Mueller and DEA Administrator Karen Tandy acknowledge that the terrorism investigation was led by the Federal Bureau of Investigation's Miami Field Office and is being prosecuted by the Counterterrorism Section of the Criminal Division and the U.S. Attorney's Office in the District of Columbia. The narcotics investigation was led by the Drug Enforcement Administration and is being prosecuted by the Narcotic and Dangerous Drug Section of the Criminal Division. Trinidad's extradition was assisted by the Criminal Division's Office of International Affairs.

### **U.S. Attorney's Office Web site**

The United States Attorney's Office maintains a web site with additional information concerning Office personnel and activities. The web site is:[www.DCcommunityprosecution.gov](http://www.DCcommunityprosecution.gov)

**Following Report, Titled “Papered Arrests”  
Contains Details on Arrests and Charges  
Filed Against Defendants in this District.**



# UNITED STATES ATTORNEY'S OFFICE PAPERED COMMUNITY PROSECUTION PAPERED ARRESTS

Criteria Entered; Arrest Date: 12/01/2004 - 12/31/2004, District: 2D, Sort: PSA, Arrest Date

PSA	ARREST DATE	CCN	PAPERD LEAD CHARGE & AUSA'S NAME	DEFENDANT'S NAME	PAPERED CASES	SECTION ASSIGNMENT & LOCATION OF OFFENSE
201	12/07/2004 15:45	04167356	BURGLARY II STEPHEN W. RIDDELL	COLEMAN, MICHAEL D	F0757804	GRAND JURY SECTION 5400 BLK 30TH ST NW
201	12/27/2004 13:30	04170039	BURGLARY II STEPHEN W. RIDDELL	BUENS, ALBERT K	F0797504	SC, COMMUNITY PROSECUTION INTAKE 5671 WESTERN AVE NW
202	12/03/2004 18:35	04165558	THEFT 2ND DEGREE JOHN P. PEARSON	MCNEIL, DONALD B	M1248504	SC, MISDEMEANOR SECTION 4201 DAVENPORT ST NW
202	12/12/2004 17:20	04169737	SIMPLE ASSAULT CHARLES N. FLOYD	MITCHELL, NAKISHA	M1316004	SC, MISDEMEANOR SECTION 5333 WISCONSIN AVE NW
202	12/13/2004 17:00	04059085	THEFT 2ND DEGREE JARED E. DWYER	MASON, DETRICH D	M1279604	SC, MISDEMEANOR SECTION 4851 MASSACHUSETTS AVE N
202	12/14/2004 12:40	04170466	THEFT 2ND DEGREE YOU J. LEE	ENCARNACION, JOE A	M1281804	SC, MISDEMEANOR SECTION 4555 WISCONSIN AVENUE NW
202	12/17/2004 05:00	04171691	THEFT 2ND DEGREE GARY K. MILLIGAN	BALDWIN, TRACEY D	M0648104	SC, MISDEMEANOR SECTION 37TH & O ST NW

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<b>PSA</b>	<b>ARREST DATE</b>	<b>CCN</b>	<b>PAPERD LEAD CHARGE &amp; AUSA'S NAME</b>	<b>DEFENDANT'S NAME</b>	<b>PAPERED CASES</b>	<b>SECTION ASSIGNMENT &amp; LOCATION OF OFFENSE</b>
202	12/18/2004 12:50	04172167	SIMPLE ASSAULT RITA T. FLYNN	TUDELA, GUILLERMO G	M1329704	SC, MISDEMEANOR SECTION 5225 WISCONSIN AVE NW
202	12/20/2004 17:30	04173292	THEFT 2ND DEGREE	MENDOZA, MARIA J	M1315904	SC, MISDEMEANOR SECTION 5300 WISCONSIN AVE NW
202	12/21/2004 10:20	04173659	UCSA POSS MARIJUANA	AHMED, HANI	M0007305	SC, MISDEMEANOR SECTION 3950 CHESAPEAKE STREET N
202	12/21/2004 11:45	04173600	DEST OF PROPERTY RYAN A. MORRISON	ROBERTSON, DAVID	M1307304	SC, MISDEMEANOR SECTION 500 INDIANA AVE NW
202	12/22/2004 14:30	04174134	SHOPLIFTING LYNETTE M. BRIGGS	BRADFORD, DARREN	M1310804	SC, MISDEMEANOR SECTION 4530 WISC AVE NW
203	12/20/2004 11:50	04173246	UTTERING STEPHEN W. RIDDELL	PALLAPIES, ANDRE N	F0786604	GRAND JURY SECTION 3430 CONN AVE NW
204	12/15/2004 21:40	04171193	UCSA POSS MARIJUANA FERNANDO CAMPOAMOR- SANCHEZ	ALSTON, NELSON	M1329304	SC, MISDEMEANOR SECTION 1855 WISCONSIN AVE NW

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<b>PSA</b>	<b>ARREST DATE</b>	<b>CCN</b>	<b>PAPERD LEAD CHARGE &amp; AUSA'S NAME</b>	<b>DEFENDANT'S NAME</b>	<b>PAPERED CASES</b>	<b>SECTION ASSIGNMENT &amp; LOCATION OF OFFENSE</b>
204	12/16/2004 06:45		CARRY PISTOL W/OUT LICENSE-OUTSIDE HOME/BUSIN	BRADLEY, ROBBIE L	M1288604	SC, MISDEMEANOR SECTION 2500 WISCONSIN AVE NW, APT. 901
204	12/22/2004 21:55	04174363	UCSA POSS MARIJUANA	ADDISON, JUSTINE R	M1329204	SC, MISDEMEANOR SECTION 3207 CATHEDRAL AVE NW
204	12/31/2004 11:30	04177717	UTTERING STEPHANIE G. MILLER	WRIGHT, CHARLES A	F0002405	GRAND JURY SECTION 3440 WISCONSIN AVE NW
205	12/25/2004 14:30	04175343	BURGLARY II STEPHEN W. RIDDELL	WASHINGTON, EARL L	F0795004	GRAND JURY SECTION 4935 LOUGHBORO RD NW
206	12/05/2004 02:10	04166237	RECEIVE STOLEN GOODS DAVID S. JOHNSON	VILLADIEGO, RODERICK	M1287004	SC, MISDEMEANOR SECTION 3003 M STREET NW
206	12/05/2004 02:10	04166237	THEFT 2ND DEGREE DAVID S. JOHNSON	BOGUS, JASON M	M1286904	SC, MISDEMEANOR SECTION 3003 M STREET NW
206	12/09/2004 12:20	04168300	UCSA POSS MARIJUANA FERNANDO CAMPOAMOR- SANCHEZ	OSIER, KENNETH W	M1266704	SC, MISDEMEANOR SECTION 1215 3RD STREET NE

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206	12/09/2004 12:30	04168300	UCSA POSS COCAINE FERNANDO CAMPOAMOR-SANCHEZ	FUSZ, PETER D	M1266804	SC, MISDEMEANOR SECTION 1215 3RD STREET NE
206	12/16/2004 01:49	04171240	BURGLARY II STEPHEN W. RIDDELL	FOGLE, LARRY D	F0777204	1500 WISCONSIN AVE NW
206	12/19/2004 00:30	04981214	DEST OF PROPERTY JARED E. DWYER	ALFORD, THOMAS C	M1298504	SC, MISDEMEANOR SECTION 3200 BLOCK PROSPECT STRE
206	12/28/2004 23:20	04176668	UCSA POSS MARIJUANA	LANDRUM, GEOFFREY C	M0038005	SC, MISDEMEANOR SECTION POTOMAC & M STREET NW
206	12/29/2004 07:13	04039879	THEFT 2ND DEGREE YOU J. LEE	STEVENSON, MELVIN	M1327504	SC, MISDEMEANOR SECTION 3400 WATER ST NW
206	12/31/2004 02:15	04177606	SIMPLE ASSAULT YOU J. LEE	ROBINSON, CHRISTOPHER F	M1331204	SC, MISDEMEANOR SECTION 3241 M STREET NW
206	12/31/2004 23:40	04000013	UCSA POSS MARIJUANA B. PATRICK COSTELLO	JOHNSON, DAMIEN	M0001005	SC, MISDEMEANOR SECTION WISCONSIN M STREET NW

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<b>PSA</b>	<b>ARREST DATE</b>	<b>CCN</b>	<b>PAPERD LEAD CHARGE &amp; AUSA'S NAME</b>	<b>DEFENDANT'S NAME</b>	<b>PAPERED CASES</b>	<b>SECTION ASSIGNMENT &amp; LOCATION OF OFFENSE</b>
207	12/01/2004 10:50		SIMPLE ASSAULT JARED E. DWYER	LI, HUIXIN	M1238004	SC, MISDEMEANOR SECTION 1624 VST NW
207	12/18/2004 02:45	04172196	SIMPLE ASSAULT MARGARET A. SEWELL	MCDONALD, JAMES R	M1296704	SC, MISDEMEANOR SECTION 1250 24TH ST NW
207	12/30/2004 13:30	04177423	FRAUD 1ST DEGREE STEPHEN W. RIDDELL	CASTRO, SOLVI N	F0802104	GRAND JURY SECTION 1849 C ST NW